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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR   | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/672,304      | 09/29/2000  | Neelakantan Sundaresan | AM9-99-0146         | 2605             |

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EXAMINER

ALAUBAIDI, HAYTHIM J

ART UNIT PAPER NUMBER

2171

DATE MAILED: 01/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/672,304

Applicant(s)

SUNDARESAN, NEELAKANTAN

Examiner

Haythim J. Alaubaidi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 November 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 September 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. Claims 1-23 are presented for examination. Applicant's arguments have been found persuasive and the previous rejections are hereby withdrawn.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Marc Alexander Najork (U.S. Patent No. 6,321,265 and Najork hereinafter).

Regarding Claims 1, 7, 17 and 23, Najork discloses:

- accessing a first file on the network (Col 5, Line 53, i.e. given a set of URL's; see also Col 6, Lines 48-56)

- downloading data from the first file (Col 5, Lines 53-55, i.e. begins downloading documents)

- setting an access time to access a second file based on data downloaded from the first file (Col 2, Lines 43-45, i.e. *The next download time value assigned to each web server by the Scooter web crawler is based on the download time of a previous document from the same web server; see also Col 10, Lines 43-50, i.e. the same politeness policies are enforced, whereby the web crawler not only does not submit overlapping download requests to any host, but also waits between document downloads from each host for a period of time. The wait time between downloads from a particular host may be a constant value, or may be proportional to the download time of one or more previous documents downloaded from the host*).

Regarding Claims 2, 9 and 18, Najork discloses wherein the second file is the same as the first file (Col 7, Lines 10-12; see also Col 8, Lines 57-58, i.e. *each queue contains URL's having the same host name component; see also Col 4, Lines 56-62, i.e. A given host name may be associated with more than one IP address because an Internet host may have multiple interfaces, with each interface of the host having a unique IP address. Also, a host may be replicated on multiple computers, each having its own IP address, but providing access to the same information*).

Regarding Claims 3, 10-11 and 19, the limitations of these claims are similar in scope to the rejected claims 1, 7, 17 and 23 above. They are therefore rejected as set forth above.

Regarding Claims 4, 12 and 20, Najork discloses channel definition files (Col 1, Lines 19-21, i.e. *document description languages*).

Regarding Claims 5, 6, 13, 15-16 and 21-22, the limitations of these Claims are similar in scope to the rejected claim 1, above. In addition Najork discloses analyzing the data from the first file to determine when a second file is schedule to be updated (Col 6, Lines 19-25, i.e. *FIG. 3 illustrates an "ordered set data structure" 134 for keeping track of the*

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*queues that are waiting to be serviced by threads. The data structure 134 stores an entry 135 for each queue that is waiting to be serviced. The entry 135 has a plurality of fields, including one for identifying the queue, and another for indicating the queue's assigned next download time.*

Regarding Claim 8, the limitations of this Claim is similar in scope to the rejected claims 1, 7, 17 and 23, above. It is therefore rejected as set forth above.

Regarding Claim 14, Najork discloses accessing time is after the schedule time (Figure 4, Element 174, i.e. *next download time is = present time + C*).

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure.

***Points of Contact***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Haythim J. Alaubaidi whose telephone number is (703) 305-1950. The examiner can normally be reached on Monday - Friday from 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic, can be reached on (703) 308-1436.

Any response to this office action should be mailed to:

The Commissioner of Patents and Trademarks, Washington, D.C. 20231 or telefax at our fax number (703) 746-7238 or (703) 746-7239 or (703) 746-7240.

Hand-delivered response should be brought to Crystal Park II, 2121 Crystal Drive, 6<sup>th</sup> Floor Receptionist, Arlington, Virginia. 22202.

*Haythim J. Alaubaidi*

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Technology Center 2100  
January 22, 2003

  
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